

REMARKS

In the patent application filed concurrently herewith, Claims 1-22 are presented for consideration. Applicants wish to apprise the Examiner that Claims 1 and 12 substantially correspond to allowed Claims 1 and 36 of the parent application, Serial No. 10/098,752 with a few additional limitations. First, in the present application, independent Claims 1 and 12 are limited to use only in human subjects, while the claims of the parent application contain no such limitation as to the subject species. Additionally, Claims 1 and 12 include the further limitation of an a transdermal patch having a size of from 13 cm² to 39 cm². Support for the limitation of a patch size in this range may be found on pg. 18, ln. 21-24 of the specification.

Applicants wish to further note that all remaining Claims 2-11, and 13-22 all depend from the above-recited independent claims, and that Claims 2-7 correspond to previously allowed Claims 2-3, 5-6, and 52-53 respectively, Claims 13-18 correspond to previously allowed Claims 37-38, 40-41, and 57-58, and that Claims 9-11 and 20-22 have been newly added. Applicants submit that support for such new claims may be found *inter alia* on pg. 18, ln. 9-10; and pg. 21, ln. 33-pg. 22, ln. 2, of the specification.

In view of the foregoing, Applicants respectfully submit that present Claims 1-22 are fully supported by the specification, and that as such claims present a narrower scope of subject matter than those of the parent application, that they are patentably distinct therefrom. However, in the event that it is deemed that the filing of a terminal disclaimer is necessary to prevent an obviousness-type double patenting rejection, or if any other issues arise to prevent the prompt allowance of the present claims, the Examiner is invited to telephone Mr. David Osborne, or in his absence, the

undersigned attorney at (801) 566-6633 so that a terminal disclaimer can be prepared and filed, or such other issues can be resolved as expeditiously as possible.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 20-0100.

DATED this 8th day of December, 2003.

Respectfully submitted,

THORPE NORTH & WESTERN, LLP

A handwritten signature in black ink, appearing to read "M. Wayne Western", is written over the printed name.

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